

AMENDED IN SENATE AUGUST 26, 2016

AMENDED IN SENATE AUGUST 19, 2016

AMENDED IN SENATE AUGUST 11, 2016

AMENDED IN SENATE JUNE 1, 2016

AMENDED IN ASSEMBLY JANUARY 25, 2016

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1381**

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**Introduced by Assembly Member Weber**

February 27, 2015

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An act to amend Section 11317.2 of, and to add Section 10133.45 to, the Business and Professions Code, relating to professions and vocations.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1381, as amended, Weber. Professions and vocations: real estate appraisers: real estate brokers.

Existing law provides for the licensure and regulation of real estate brokers and defines “real estate broker” for its purposes to include a person who, among other things, (1) sells or offers to sell, buys or offers to buy, solicits prospective sellers or purchasers of, solicits or obtains listings of, or negotiates the purchase, sale or exchange of real property or a business opportunity, or (2) leases or rents or offers to lease or rent, or places for rent, or solicits listings of places for rent, or solicits for prospective tenants, or negotiates the sale, purchase, or exchanges of leases on real property, or on a business opportunity, or collects rents

from real property, or improvements thereon, or from business opportunities.

This bill would exclude from the definition of “real estate broker” persons acting in the capacity of an outdoor advertising representative, as defined, in connection with a specified transaction.

Existing law, the Real Estate Appraisers’ Licensing and Certification Law, provides for the licensure and regulation of persons who engage in specified real estate appraisal activity by the Chief of the Bureau of Real Estate Appraisers.

Existing law prohibits a person from engaging in real estate appraisal activity without obtaining a license issued by the Bureau of Real Estate Appraisers (formerly the Office of Real Estate Appraisers). Existing law requires a licensee to complete specified continuing education requirements in order to renew a license. Existing law requires the bureau to provide on the Internet information regarding, among other things, the status of every license and registration issued by the bureau.

This bill would additionally require the bureau to provide, on the Internet, the continuing education course information provided by a licensee when an individual applies for licensure renewal. The bill would also make various nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 10133.45 is added to the Business and  
2     Professions Code, to read:  
3     10133.45. (a) Subdivisions (a) and (b) of Section 10131 do  
4     not apply to persons acting in the capacity of an outdoor advertising  
5     representative in connection with a transaction described in  
6     subdivision (c).  
7     (b) For purposes of this section, “outdoor advertising  
8     representative” means an employee of a corporation or a limited  
9     liability company or a general partner of a partnership *that holds*  
10    *a license issued by the Department of Transportation to engage*  
11    *in the business of outdoor advertising*, arranging for the lease or  
12    transfer of real property *by his or her employer* or an interest in  
13    real property solely for the placement of, access to, or operation  
14    of, an advertising display and appurtenances thereto, as defined  
15    in Section 5202.

(c) In every transaction involving the transfer, lease, or use of real property for the operation of an advertising display negotiated by an outdoor advertising representative, the owner or operator of the advertising display shall maintain liability insurance coverage for death, bodily injury, and property damage arising out of, or in connection with, its acts, omissions, or operations on the real property. The amount of the insurance coverage shall not be less than five hundred thousand dollars (\$500,000) per person or one million dollars (\$1,000,000) per occurrence for personal injury and five hundred thousand dollars (\$500,000) for property damage. It must be issued by an insurance carrier authorized to sell such insurance in California.

SEC. 2. Section 11317.2 of the Business and Professions Code is amended to read:

11317.2. (a) (1) In addition to publishing the summary required by Section 11317, the bureau shall provide on the Internet information regarding the status of every license and registration issued by the bureau in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses and registrations issued by the bureau and accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) relative to persons or businesses subject to licensure, registration, or regulation by the bureau. The information shall not include personal information, including home telephone number, date of birth, or social security number. The bureau shall disclose a licensee's or registrant's address of record. However, the bureau shall allow a licensee or registrant to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude the bureau from also requiring a licensee or registrant who has provided a post office box number or other alternative mailing address as his or her address of record to provide a physical business address or residence address only for the bureau's internal administrative use

1 and not for disclosure as the licensee's or registrant's address of  
2 record or disclosure on the Internet.

3 (2) In addition to the information required by subdivision (a),  
4 the bureau shall provide, on the Internet, the continuing education  
5 course information provided by a licensee when an individual  
6 applies for licensure renewal.

7 (b) The bureau shall not provide on the Internet identifying  
8 information with respect to private reprovations or letters of warning,  
9 which shall remain confidential.

10 (c) For purposes of this section, "Internet" has the meaning set  
11 forth in paragraph (6) of subdivision (f) of Section 17538.